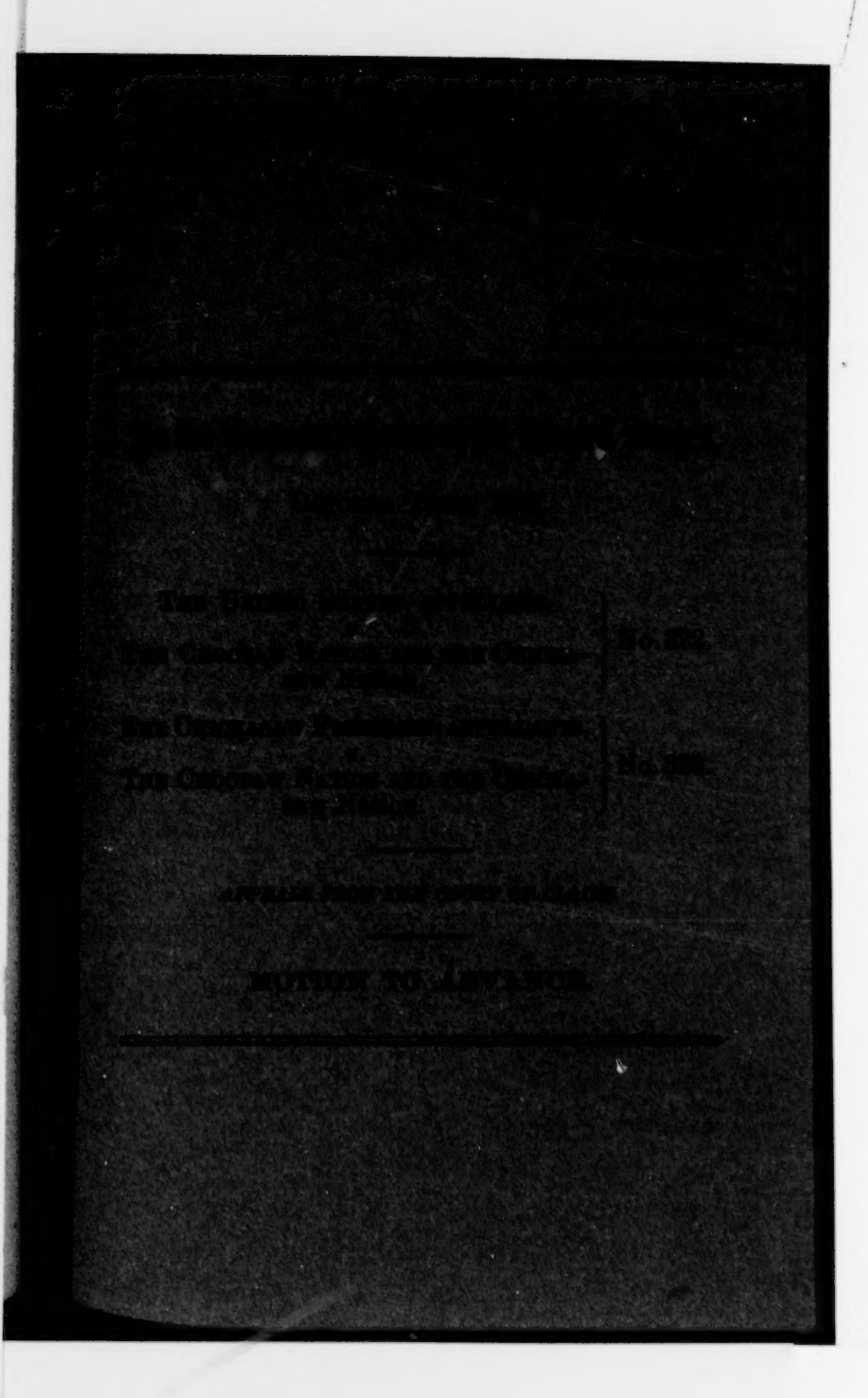

# In the Supreme Court of the United States.

OCTOBER TERM, 1903.

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THE UNITED STATES, APPELLANT,
*v.*
THE CHOCTAW NATION AND THE CHICKASAW NATION. } No. 322.

THE CHICKASAW FREEDMEN, APPELLANTS,
*v.*
THE CHOCTAW NATION AND THE CHICKASAW NATION. } No. 323.

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APPEALS FROM THE COURT OF CLAIMS.

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**MOTION TO ADVANCE.**

The Solicitor-General, on behalf of the United States, respectfully moves the court to advance the above-entitled cases for hearing at the present term of the court, the record in said two cases (consolidated) being printed; and, for grounds of motion, respectfully assigns the following:

1. By act of Congress, approved July 1, 1902 (32 Stat., Pt. 1, p. 641), jurisdiction was conferred upon the Court of Claims, and upon this court on appeal, to determine the "existing controversy

respecting the relations of the Chickasaw freedmen to the Chickasaw Nation, and the rights of such freedmen in the lands of the Choctaw and Chickasaw nations;" as well also the question of liability, if any, of the United States to pay to said two nations "the value of the lands * * * allotted to" said freedmen "as ascertained by the appraisal thereof made by the Commission to the Five Civilized Tribes for the purpose of allotment."

2. Said act further provided:

> Any party feeling aggrieved at the decree of the Court of Claims, or any part thereof, may, within sixty days after the rendition thereof, appeal to the Supreme Court, and in each of said courts the suit shall be advanced for hearing and decision at the earliest practicable time.

3. The Court of Claims decided that the Chickasaw freedmen are not citizens of the Chickasaw Nation by adoption or otherwise; that they have no rights in the lands of the Choctaw and Chickasaw nations; and that the United States is liable to pay to said two nations the value of the lands so allotted to said freedmen by the Commission to the Five Civilized Tribes.

4. Said questions are of public and governmental interest and concern, involving, as above shown, the *status* of said freedmen, as well, also, the liability of the United States to pay a very considerable sum of money in connection with the allotment of lands to the freedmen now being

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made by the said Commission, whose work can not be concluded until this cause is determined.

The Solicitor-General further shows that all parties hereto, appellant and appellee, unite in this request for the advancement of said causes; and respectfully suggests to the court that the same may be assigned for hearing on or about Monday, January 25, 1904.

HENRY M. HOYT,
*Solicitor-General.*

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